

REMARKS

The Office Action has made a restriction requirement based on Groups I and II being distinct. Applicant respectfully traverses the restriction.

Examiner asserts in the restriction requirement, “Inventions II and I are related by process of making and product made.” Examiner then apparently asserts that because the HID lamp of at least Claim 1 does not require a reflector, as recited in Claim 26; and does not require the arc tube holder as recited in Claim 30, that Groups(Inventions) II and I are distinct. However, Claims 1, 26, and 30 are all included in Group I. Because the restriction is between Groups I and II and Examiner has not given any reason or example for his restriction between Group I and II as required by MPEP § 803, the restriction between Group I and II is clearly improper. Moreover, the examiner cannot show a “serious burden” in examining the claims of Group II with the claims of Group I as required for restriction (MPEP § 803).

Further, the restriction to species is also improper. Claims restricted to species must be mutually exclusive (MPEP § 806.04(f)). This means that a limitation in a first claim must explicitly prevent the same limitation in a second claim. Examiner states that the mounting structure, reflector, and arc tube holder are mutually exclusive species. However, Claim 1 recites in pertinent portions:

“a mounting structure comprising:”

“a pair of spaced apart reflectors weldlessly supported by said frame, one of said reflectors being supported adjacent said lamp stem, the other of said reflectors being supported adjacent the distal end of said frame;” and

“a pair of spaced apart arc tube holders weldlessly supported by said frame between said pair of reflectors, one of said arc tube holders supporting the end of the arc tube nearer the stem assembly, the other of said arc tube holders supporting the other end of the arc tube.”

Claim 26 recites in pertinent portions:

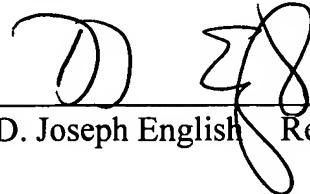
“A reflector adapted to be carried by spaced apart elements of the frame of an HID lamp.” Claim 26 is in no way mutually exclusive with Claim 1 and in fact recites some of the same limitations. Therefore, Claim 1 and Claim 26 can not be mutually exclusive species.

Claim 30 recites in pertinent portions:

“An arc tube holder for an HID lamp having a frame with spaced apart elements.” Again, Claim 30 is in no way mutually exclusive with Claim 1 and also recites some of the same limitations. Therefore, Claim 1 and Claim 30 can not be mutually exclusive species.

Because both the restriction between Group I and II and the species restriction are improper, reconsideration and withdrawal of both restriction requirements is hereby solicited.

Respectfully submitted,


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